IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO.15544 of 2006

DATE OF DECISION: 28.9.2006

Sarrbjeet Khaira ....Petitioner.

Versus

State of Punjab and others ....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr. Sarbjeet Khaira, Advocate for the petitioner.

J.S. Khehar, J. (oral)

The petitioner has impugned, through the present writ petition, the order of his transfer dated 22.8.2006, as a Science teacher from Batala to Ladha Munda. The pleadings of the instant writ petition reveal that the impugned order is a direct outcome of harassment faced by the petitioner at the hands of a Judicial Magistrate posted at Batala, whose wife is the Headmistress of the school in which he was posted at Batala. The pleadings of this case also reveal that the petitioner has addressed representations against the Judicial Officer, as well as, against the Headmistress to this Court, to the Chief Minister of the State of Punjab and the Minister of Education. Despite making serious allegations against the Judicial Officer, as well as, his wife, neither of them has been impleaded by name as party respondents. It is, therefore, not possible for us to accept any of the allegations detailed in the writ petition. It also needs to be emphasised that all the allegations contained in the various representations made by the

petitioner, copies of which have been appended to the instant writ petition as Annexures P3 and P4, are not part and parcel of the pleadings of the writ petition.

No one can be permitted to make wild allegations against a Judicial Officer. A Judicial Officer is in a vulnerable state, and in these days, all kinds of allegations, without any substantiation, are levelled against them. All the allegations in this case are liable to be rejected, for the simple reason that the concerned individuals have not been impleaded as party respondents.

The instant writ petition is, accordingly, dismissed. So as to prevent the recurrence of such a situation, we consider it just and appropriate to impose costs on the petitioner. Costs quantified at Rs.5,000/- are, accordingly, hereby imposed on the petitioner. The aforesaid costs shall be deposited by the petitioner with the Member Secretary, State Legal Services Authority, Punjab, and the receipt thereof shall be placed on the record of this case within one month from today. In case the aforesaid receipt is not placed on the record of this case within one month, the Registry shall place this case again for motion hearing for the execution of the costs imposed on the petitioner.

Disposed of accordingly.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

September 28, 2006.
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